

CIVIL RIGHTS AFTER LITTLE ROCK

The Failure of Moderation

OSCAR HANDLIN

THE puzzling course, in recent months, of the struggle for equal rights for the Negro reflects the dominant mood of American politicians today. The conjunction of victory with defeat, of crablike advance and prudent withdrawal, is the consequence of the overwhelming acceptance of the politics of moderation.

It has become a truism that effective political action depends upon compromise. Only by evading issues, and particularly ideological issues, can a statesman retain enough support to permit the placid operation of government. Any showdown is to be avoided as far as possible, for it alienates substantial segments of power and opinion.

Yet a policy that makes moderation the highest virtue runs the grave risk of exposing itself to the pressures of extremists who keep raising the price of their acquiescence. Moderation is often mistaken for weakness, and thus becomes a standing temptation to the blackmailer. This has been the history of Negro rights since 1954.

The paradoxes are apparent. On the one hand, there has been measurable advance. All the border states have taken some steps toward integration. The Civil Rights Bill, enacted in the summer of this year, was a victory, not so much in its actual provisions, as in setting a precedent for overcoming the veto power of the Southern bloc

in Congress. And beyond these political measures is the genuine progress made by Negroes in raising their own economic level and in asserting their right to vote. This progress, in the long run, may be as important as immediate legislative or judicial gains.

Yet side by side with these favorable developments there has been a hardening of intransigent segregationist attitudes in the Deep South. Virginia, South Carolina, Georgia, and Alabama have made no move to comply with the law. On the contrary, these states have bent all their energies to circumventing the law; they have often acted as if it were still possible for them to secede from the United States; they have aggressively asserted an anachronistic and flimsy doctrine of states' rights. Meanwhile, the White Citizens Councils have gained strength; they have moved to disband Negro organizations like the NAACP and to prevent any further implementing of the Court's decision. Such are the less pleasant consequences of moderation.

It is easy today to lose sight of the fact that the Supreme Court decision of 1954 was a moderate one. While the Court struck down the principle of segregation, its ruling permitted such latitude of adjustment as to make almost any outcome possible. On the question of segregation in the public school system it could hardly have ruled otherwise than it did, and its ruling was unanimous. The right of all citizens to equal education, after all, had been established more than eighty years earlier, when the Fourteenth Amendment forbade states to discriminate among citizens on the basis of race; and no one, then or now, has challenged this constitutional provision. In 1954 the Court did no more than review its own

CONTINUING the discussion of the desegregation and civil rights issues carried on in these pages by Samuel Lubell, C. Vann Woodward, and others, OSCAR HANDLIN challenges the moderate approach to the question of Negro rights. Professor Handlin, a past winner of the Pulitzer Prize for History, most recently published *Race and Nationality in American Life* (1957).

opinion, expressed sixty years earlier, that segregated institutions might provide equality of treatment. It found, as a matter of fact, that segregation had actually borne the implication of inequality, and ordered the abolition of the existing system of separate schools. But it did not prescribe the exact manner in which abolition should be effected. It expected that local conditions would dictate the mode of enforcement; and it hoped that, given good will, a gradual process of accommodation would adjust the Southern educational system to the requirements of the law with "all deliberate speed."

In retrospect, it is arguable that this vagueness may have been unfortunate. If the Court had prescribed a firm line of action, as it did in the cases of higher education and transportation, it might have secured quicker compliance. The segregationists would certainly have found it more difficult to mobilize the forces of resistance. No doubt the public elementary and high schools involved more touchy issues, and called for a more painful transition, than did the universities or inter-state trains. But the interval between the decision and the effort at enforcement gave the enemies of the decision an opportunity to explore the means of frustrating it.

In areas where compliance was prompt, the decision evoked least opposition. The pattern of segregation simply fell away. Perhaps the problem was less complicated in the Border states than in the Deep South. Yet Baltimore and the District of Columbia have Negro populations as dense as in most Georgia counties, and the habits of segregation had been almost as fixed in those cities as in the rural South. The certainty of integration, however, was so strong that the opposition never took shape. In Delaware, a protest movement developed too late to be effective, and collapsed. But elsewhere there was delay, and this enabled the segregationists to gather strength and stir up public opposition. In doing so they were encouraged by the period of indecisive political maneuvering that began with President Eisenhower's illness in October 1955.

ACTUALLY, the intransigent Southerners were slow to respond to the challenge of the Court's decision. Little happened in 1954. The very notion of integration seemed so unthinkable that no immediate reaction was likely; and, in any case, it was not yet clear how integration could be halted. But the following year found some states investigating the old doctrine of "interposition" and other means by which they might block Federal action.

Meanwhile centers of resistance began to form in the White Citizens Councils. Significantly, the racial issue was not the only—and perhaps not the most significant—consideration in the maneuvering of these groups early in 1955. Everywhere the problem was confused by struggles for local political control in the wake of the economic and social changes that have transformed the South since 1945. The complicated jockeying for position within the national Democratic party also contributed to the uncertainty. In many places it was clear that, entirely apart from the very real emotions generated by the leveling of racial barriers, the question was being used as an instrument in the fight for political power.

The whole issue acquired a new cast in the fall of 1955. President Eisenhower's illness in effect advanced the Presidential election by a whole year. In the months that followed, uncertainty as to the President's health dominated the nation's political thinking. In the Democratic party, and particularly in the Stevenson camp, there was considerable confidence—in which the wish was father to the calculation—that Eisenhower would not run. Relieved of the necessity of dealing with the magic of Ike's name, and cheered on by discontent in the farm belt, the Democrats imagined they could readily regain their primacy of the 1930's and 1940's. The Congressional elections of 1954 seemed to confirm that estimate of the situation. It therefore seemed more important to concentrate on the nomination than on the election. Stevenson had few doubts that he could be renominated, but he wished to lead a united party that would be certain to win in No-

vember. And to keep the party united meant to appease the Southerners who had bolted openly in 1948 and defected surreptitiously to the GOP in 1952.

Stevenson himself had always been a moderate. But moderation in 1952 had been located somewhere between the strong desegregationist position of Governor Williams of Michigan and the strong pro-segregationist position of Senator Russell of Georgia. By the end of 1955, however, moderation had moved over to some point between the positions of Stevenson and Russell. Stevenson therefore found it necessary to soothe Southern sensibilities; and the convention of 1956 witnessed a further retreat on the civil rights issue. By the time it became clear that Eisenhower would run and that the election would be a serious contest, it was too late to shift the grounds of the campaign. The net result was to encourage the intransigent Southern wing of the Democratic party. The Republicans were under no pressure to take a vigorous stand; and the liberal Northern Democrats were isolated by the resounding defeat of the Truman-Harriman group. Certainly nothing in the vague platitudes uttered in the course of the campaign of 1956 was likely to arouse Southern fears that the government, whether Republican or Democratic, would act positively to enforce the law.

Meanwhile the school year of 1955 was marked by relatively little tension and considerable progress. But throughout 1956, with the approach of the election, excitement mounted. The general caution displayed by responsible political leaders encouraged the intrusion, for the first time, of outside agitators like Frederick John Kasper. The incident at Clinton, Tennessee, foreshadowed the future. Every sign of weakness stimulated the extremists, who did not hesitate to attack the law and the social institutions of the community.

AFTER the election of 1956, the school question ceased to occupy the center of public attention. During the winter and spring that followed, attention focused in-

stead on the erratic course of the Civil Rights Bill through Congress. The history of this measure once more demonstrated the effects of the politics of moderation. The actual contents of the Bill, vague and indecisive as they were, were less important in the long run than the achievement of getting it passed at all. That achievement was the result of the successful compromise arranged by the Democratic leaders of the Senate. Control of the upper house remained in essentially the same Southern hands in the past session as for the last twenty years, but subtle changes have transformed the outlook of some figures within that leadership. The result has been a significant cleavage between the representatives of the Deep South and those of the Border states, including Texas. The role of the Texans was especially crucial, for among them were the majority leaders of the Senate and the Speaker of the House.

In Texas, as in the other Border states, industrialization has effectively shattered the remnants of the Old South. The dominant groups in these states are above all interested in the tranquillity and stability that will foster continued development; and there is a common, if not always acknowledged, disposition to accept desegregation as a way of settling the race problem once and for all.

Lyndon Johnson and those who worked with him were also concerned with preserving the power of the Democratic party and their own place in it. They knew that their own position in Congress depended upon majorities which could be secured only if Democrats were able to win in the North as well as in the South. They understood the significance of the Republican inroads below the Mason-Dixon Line in 1952 and 1956, and some of them were troubled by factional struggles in their home states. For them, moderation was essential to keep the party united and in the running.

In practice, this involved securing the acquiescence of the Southerners to the principle of a Civil Rights Bill, while putting pressure on the Northerners to yield on

every disputed detail. The jury trial provision and the abandonment of Article III were the price the Northern liberals paid for immobilizing the Southern die-hards and preventing a filibuster. In the early summer of 1957, the moderates seemed to have succeeded brilliantly. When Senator Thurmond of South Carolina, however, persisted in the attempt at a filibuster he gave notice that the extremists were not to yield without a fight. His effort failed; but it was only the first stage of a general counter-attack.

As in the decade before the Civil War, the extremists of the Deep South were above all anxious to avoid isolation from the Border states. Alone, they counted for little in national affairs; that had been demonstrated in 1850 and again in 1948. Only association with the larger Southern grouping enabled the die-hards to make their weight felt. And the Civil Rights Bill was an ominous foreshadowing of what might come, precisely because the Border-state Congressmen had taken an independent line. If this persisted it might lead to a broad realignment in which the Deep Southerners would suffer. Hence the importance of the school issue. Not only was integration in the Border states a threat to segregation everywhere, it was also the decisive test of whether the extremists in the Deep South would be isolated or not. Their strategy was to provoke a conflict over integration that would mobilize the broadest possible range of opinion in their support.

THIS was the meaning of Little Rock. Few contemporary social crises have been as well reported as that which began with the visit by Governor Griffin of Georgia to Governor Faubus of Arkansas. The facts are clear, and only the deep dismay at the way in which they unfolded has prevented an accurate assessment of their meaning.

Little Rock is not a Deep Southern, but a Border city; the percentage of Negroes in its population is smaller than in Washington or in Baltimore. The problem of adjusting its schools to the Court's decision should have been no more difficult there than in

the District of Columbia or in Maryland. The integration plan adopted in Little Rock was moderate, to be slowly worked out over a long period; indeed, it was challenged in the courts by Negroes unhappy at the snail-like pace it anticipated. There is every indication that the public was fully prepared to accept it. Why then the conflict which led ultimately to the use of Federal troops? Not, we may be sure, out of fear of integration as such, which elsewhere in Arkansas proceeded peacefully, but from a desire to make political capital out of the problem. This was the riposte of the extremists.

The fear of the politicians of the Deep South that they might be isolated underlay the situation; the ambitious demagoguery of Governor Faubus precipitated the crisis. Every step taken by the Governor has shown not only lack of candor but also a determination not to allow the problem which he created to be resolved peacefully. In the face of such determination the moderates were helpless. Having abjured the use of force to implement the law, the President at first saw no means of acting at all. In the hope that moderation would lead to a compromise, he consented to negotiate with the Governor rather than condemning him out of hand. This temperate attitude encouraged Faubus to violate the agreement that seems to have been reached at his meeting with the President at Newport. Then at last Eisenhower lost patience and ordered the troops to act.

But the course of moderation had even then not run out. The eagerness for compromise asserted itself again at the President's conference with the four Southern governors, until once more Faubus showed he was not to be compromised with. The President had originally announced that the conference would deal with the whole issue of integration. When the governors appeared, however, he acquiesced to having the question narrowed to that of troop withdrawal. But Eisenhower found that the only reward of moderation was to encourage the Governor of Arkansas in his intransigence.

The Little Rock incident has shown clear-

ly—what the long experience with demagogues in a democracy should long since have revealed—that moderation works only with moderates. Extremists are ruthless, and moderation (which they identify with weakness) only stimulates them to increase their demands. At some point the moderate must either take a stand and fight back, or yield entirely. There is a striking parallel in this respect between the administration's handling of the segregationists and its handling of McCarthy. And in the final showdown, the one may prove to be as empty a threat as the other.

ANY attempt to predict the course of future events would be futile. But it may be worth while, by way of conclusion, to enumerate certain points which will bear on any settlement of the problems of civil rights and integration in the next few years.

1. *It won't be easy—either way.* The time for moderation has passed. The whites of the Deep South are committed to opposing integration. Having glimpsed the possibilities of resistance and mob action, they will not submit docilely to defeat. But neither will the Negroes now accept anything less than desegregation and equality. There are bound to be harsh feelings and distressing incidents. But no policy will work which has as its central objective the mere avoidance of trouble. Someone will have to yield.

2. *This is a national, not a local problem.* The constitutional amendment of 1868 made it so. The Negroes are citizens of the United States and no state may abridge their privileges or immunities. There is no way of evading the obligation of the Federal government to protect them, without a dereliction of duty on the part of those sworn to enforce the Constitution.

3. *Segregation is no longer compatible with democracy.* It never really was, although many Americans long deluded themselves into thinking so. That delusion survived the end of the 19th century because the Negro was in no position to demand his rights. The issue will not now be

allowed to sleep. The Negroes are developing responsible and competent leadership. It is silly to speak of "the South" when we have in mind the whites of the South. The black Southerners are also making themselves heard.

4. *Southern customs and all that.* The greatest obstacle in the way of confronting this issue has been the unwillingness of responsible political leaders to say flatly: "Segregation must be abolished." Their refuge has been the argument that while equality is a good thing, it cannot be immediately attained, because Southern customs are so firmly fixed that any abrupt change will be disastrous.

The patterns of segregation are not part of the traditional way of life of the South. They did not exist before the Civil War, but developed only toward the end of the 19th century, as a means of maintaining the supremacy of the former masters over the former slaves. And there is no evidence that the habits of fifty or sixty years cannot be altered, given the determination and resolution to do so. Indeed, the experience of Southerners who move to the North, and the success of integration in the armed services, show that the change can be induced with relative ease.

5. *The means are available. Is there the will to use them?* The civil rights issue will undoubtedly come before Congress in the next session, with a view to strengthening the law. But apart from that, a determined Federal government already holds powerful instruments for shaping policy and public attitudes. Who will question but that law-breakers ought to be apprehended and punished? Press photographs reveal the identity of the Little Rock rioters; vigorous prosecution will have a salutary effect, as Clinton showed. The Fifteenth Amendment and existing statutory provisions have not been fully used to protect the right to vote, and great reserves of popular feeling in support of decency and respect for equality of rights have not yet been exploited. The only question is whether our political leadership has enough will to act.